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February 20, 2009

Mail Stop 18,  
Director of U.S. Patent and Trademark Office,  
P.O. Box 1450,  
Alexandria, VA 22313-1450

Attn: Customer Service  
By Fax 1 571 273 8500

RE: Patent Application in UNITED STATES  
Applicant: SIMPSON STRONG-TIE COMPANY, INC.  
Title: AUTOMATIC TAKE-UP DEVICE WITH INTERNAL SPRING  
First Inventor: William F. LEEK  
Appl. No.: 09/729,491;  
Filing Date: December 3, 2000  
Our File: SST-1035

Request for Refund: US Appl. No.: 09/729,491  
\$400 Petition Fee September 2, 2008

Dear Sir/Madam,

A petition was filed on September 2, 2008 to withdraw the holding of abandonment on the subject application along with a petition fee of \$400, check # 14323 drawn on Bank of America. It seems that this fee is subject to a refund which we are requesting.

Please find attached a copy of the decision granting this petition as signed by Petitions Examiner Sherry D. Brinkley.

Please confirm receipt of request or advise.

Very truly yours,

LAW OFFICES OF JAMES R. CYPHER



Eoghan Canniffe  
Junior Paralegal

Encl.: Copy of Decision

Adjustment date: 03/05/2009 CKHLOK  
09/04/2008 WABDELRI 00000020 09729491  
01 FC:1462 -400.00 OP

Refund Ref:  
03/05/2009 CKHLOK 0000166369

CHECK Refund Total: \$400.00



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OCT 15 2008

**OFFICE OF PETITIONS**

In re Application of  
William F. Leek  
Application No. 09/729,491  
Filed: December 3, 2000  
Attorney Docket No. SST/1035

**ON PETITION**

This is a decision in response to the renewed petition, filed September 2, 2008, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned for a failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed July 5, 2007, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on January 9, 2008. On March 7, 2008, a petition to withdraw the holding of abandonment was filed; however, the petition was dismissed in a decision mailed July 2, 2008. In response, the present petition was filed wherein petitioner again argues that reply was timely.

On reconsideration, it is conceded that petitioner is correct. The Request for Continued Examination (RCE), amendment and the 3-month extension of time filed January 7, 2008 were timely in accordance to 35 U.S.C. 21(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of July 5, 2007 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3633 for processing the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

The \$400 petition fee submitted with the present petition is unnecessary and is subject to refund. Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

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OCT 20 2008

JAMES R. CYPHER

**UNITED STATES PATENT & TRADEMARK OFFICE**  
**Washington, D.C. 20231**

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: 3-3-09		2 Serial/Patent # 19/729491								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
	Notice of Appeal/Appeal			\$						
	Petition		9-2-08	\$ 400						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance			\$						
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		7 TOTAL AMOUNT OF REFUND		\$ 400						
		8 TO BE REFUNDED BY:								
10 REASON:		✓ Treasury Check								
	Overpayment	Credit Deposit A/C #:								
	Duplicate Payment	9 <table border="1"><tr><td></td><td></td><td>--</td><td></td><td></td><td></td></tr></table>					--			
		--								
	No Fee Due (Explanation):									
Free not necessary.										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: Karen Creasy		TITLE: Petitions Examiner								
SIGNATURE: /Karen Creasy/		PHONE: 2-3208								
OFFICE: Petitions										
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APPROVED: OK		DATE: 3/5/09								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

FORM PTO 157  
(01/90)

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